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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/914,526	08/29/2001	Paul R. Mort III	7472	7799

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EXAMINER

DOUYON, LORNA M

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 03/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/914,526

Applicant(s)

MORT III ET AL.

Examiner

Lorna M. Douyon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

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1. This action is responsive to the amendment filed on December 10, 2003.
2. The objection to claim 5 for minor informality is withdrawn in view of applicants' amendment.
3. Claim 10 is objected to because of the following informalities: in line 2, "is" before "comprises" should be deleted. Appropriate correction is required. Please note that the status of the present claim should have been "currently amended".
4. The rejection of claim 9 under 35 U.S.C. 112, second paragraph rejection is withdrawn in view of applicants' amendment.
5. The rejection of claims 1-5, 8 and 12-14 under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Brichard et al. (US Patent No. 4,105,827) is withdrawn in view of applicants' amendment and arguments therein.
6. The rejection of claims 1-5, 8 and 12-14 under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over MacBeath (EP 0,651,053) is withdrawn in view of applicants' amendment and arguments therein.

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7. Claims 1-3, 6-7, 9, 12-13 stand rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Evans et al. (EP 0,057,611), hereinafter "Evans" for the reasons set forth in the first office action.

8. Claims 10-11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Evans as applied to the above claims.

9. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

10. Claims 1, 8, 12-14 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Jeffrey et al. (WO 95/28469), hereinafter "Jeffrey".

Jeffrey teaches a particle formed by agglomerating TAED with citric acid and polyethylene glycol (PEG) coated with an external coating of citric acid at a weight ratio of agglomerate: citric acid coating of 95:5 (see page 59, last 6 lines). Jeffrey also teaches another bleach precursor, benzoyl caprolactam agglomerated with citric acid and PEG and coated with an external coating of citric acid at a weight ratio of agglomerate: citric acid coating of 95:5 (see page 60, lines 1-6). Jeffrey also teaches another TAED agglomerated with partially neutralized polycarboxylate and coated with an external coating of polycarboxylate at a weight ratio of agglomerate: coating of 94:4 (see page 60, lines 7-11). In Example 1, Jeffrey teaches laundry detergent compositions comprising surfactants, builders and each of the above coated bleach

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precursors (see entire pages 62-63). Even though Jeffrey does not explicitly disclose the agglomerate having a surface with irregularities and crevices and surface area reduction as those recited, it would be inherent in the agglomerates of Jeffrey to have surfaces with irregularities and crevices because same agglomerates have been utilized, hence, would have resulted in a surface area reduction within those recited. Hence, Jeffrey anticipates the claims.

11. Claims 1-3, 8-9, 12-14 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over GB 1,387,167.

GB '167 teaches an agglomerate of a bleaching agent which is coated with sodium carbonate and wherein detergent compositions comprising the coated granules are prepared (see Examples 1 and 2 on page 5). Even though GB '167 does not explicitly disclose the agglomerate having a surface with irregularities and crevices and surface area reduction as those recited, it would be inherent in the agglomerates of GB '167 to have surfaces with irregularities and crevices because same agglomerates have been utilized, hence, would have resulted in a surface area reduction within those recited. Hence, GB '167 anticipates the claims.

12. Claims 1-2, 6-7, 9-13 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Maden et al. (EP 0,353,976), hereinafter "Maden".

Maden teaches an agglomerate comprising dodecyl benzene sulphonic acid, sodium tripolyphosphate, sodium carbonate coated with a solution comprising sodium silicate, pigment blue and tetrasodium salt of ethylene diamine tetraacetic acid (see Example 1 on pages 4-5).

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Even though Maden does not explicitly disclose the agglomerate having a surface with irregularities and crevices and surface area reduction as those recited, it would be inherent in the agglomerates of Maden to have surfaces with irregularities and crevices because same agglomerates have been utilized, hence, would have resulted in a surface area reduction within those recited. Hence, Maden anticipates the claims.

13. Claims 1-3, 6-9, 12-13 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Van't Land et al. (US Patent No. 5,707,953), hereinafter "Van't Land".

Van't Land teaches granules or agglomerates containing nonylamido peroxyadipic acid, sodium sulfate, linear sodium dodecyl benzene sulfonate which were coated with sodium sulfate (see Examples 1-10 under cols. 7-8). Van't Land also teaches that the coating may contain minor amounts of other ingredients besides the water-soluble salt such as sequestering agents, surfactants and buffers (see col. 6, lines 28-31). Even though Van't Land does not explicitly disclose the agglomerate having a surface with irregularities and crevices and surface area reduction as those recited, it would be inherent in the agglomerates of Van't Land to have surfaces with irregularities and crevices because same agglomerates have been utilized, hence, would have resulted in a surface area reduction within those recited. Hence, Van't Land anticipates the claims.

14. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB '167 as applied to the above claims, and further in view of Brichard.

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GB '167 teaches the features as described above. GB '167, however, fails to teach the double salt $\text{Na}_2\text{SO}_4 \cdot \text{Na}_2\text{CO}_3$ as the coating layer.

Brichard teaches coating particulate peroxygen compounds with mixed compounds obtained by crystallization of sodium sulfate and sodium carbonate of formula $\text{Na}_2\text{SO}_4 \cdot n\text{Na}_2\text{CO}_3$ where n is a number from 0.3 to 3 (see abstract). Brichard also teaches that there is superiority of stability to decomposition of percarbonate coated with said mixed compounds in comparison with percarbonate coated only with sodium carbonate (see col. 5, lines 6-12; tables 3-4 under col. 5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the sodium carbonate coating of GB '167 with $\text{Na}_2\text{SO}_4 \cdot \text{Na}_2\text{CO}_3$ because the mixed compound provide superiority of stability to decomposition of percarbonate when compared with percarbonate coated only with sodium carbonate as taught by Brichard.

Response to Arguments

15. Applicants' arguments filed December 10, 2003 have been fully considered but they are not persuasive.

With respect to the rejection based upon Evans, Applicants argue that Evans encompasses a coating process for spray-dried or spray-cooled soap particles and nothing therein suggests that the soap particles have crevices or irregularities that could, or should, be filled, thereby reducing their surface area.

The Examiner respectfully disagrees with the above argument because even though Evans does not explicitly disclose the spray-dried or spray-cooled soap particles to have crevices

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or irregularities, such spray-dried particles would have irregularities and crevices which could be filled during the coating process because it is the nature of spray-drying process to yield granules with certain irregularities.

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is (571) 272-1313. The examiner can normally be reached on Mondays-Fridays from 8:00AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lorna M. Douyon
Lorna M. Douyon
Primary Examiner
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